

EXHIBIT F

Damian Capozzola/Los

Angeles/Kirkland-Ellis

05/17/2005 02:23 PM

To "Timothy J. Hogan" <tjh@loio.com>
"Eric Liebeler" <eliebeler@kirkland.com>, "Erin Lee
\(E-mail)" <eol@fmhc-law.com>, "Eporter"
<eporter@goodsill.com>, "Rex" <fujichaku@hotmail.com>,
"John K" <JKomeiji@wik.com>, "Karen G"
<kgabler@nchc.com>, "Sheldon T" <lawtoll@comcast.net>,
"Leroy C" <lcolombe@ckdbw.com>, "Lex Smith"
<lex@gte.net>, "Lyle" <lsh@hosodalaw.com>, "Lyle Hosoda
\(E-mail)" <lshosoda@hotmail.com>, "Margery Bronster
\(E-mail)" <mbronster@bclaw.net>, "Rex"
<rfujichaku@bchlaw.net>, "Roy T" <rtjoe@goodsill.com>,
"Victor L" <victor.limongelli@guidancesoftware.com>,
"Wesley C" <WHC@fmhc-law.com>
Subject RE: Berry Documents Produced RE: Philip Johnson

Mr. Hogan,

When you arrive for our noon deposition we will have PCT-B MW 00001-02238 waiting for you, with the exception of pages 00471-00472, 00549, and 00562-564. Thank you for your attention to these matters.

--Damian Capozzola

"Timothy J. Hogan" <tjh@loio.com>



"Timothy J. Hogan"
<tjh@loio.com>

05/16/2005 01:33 PM

"Damian Capozzola" <dcapozzola@kirkland.com>, "Eporter"
<eporter@goodsill.com>, "Eric Liebeler"
<eliebeler@kirkland.com>, "Erin Lee \((E-mail)"
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<lcolombe@ckdbw.com>, "Lex Smith" <lex@gte.net>, "Lyle"
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<lshosoda@hotmail.com>, "Margery Bronster \((E-mail)"
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"Rex" <rfujichaku@bchlaw.net>, "Roy T"
<rtjoe@goodsill.com>, "Sheldon T" <lawtoll@comcast.net>,
"Victor L" <victor.limongelli@guidancesoftware.com>,
"Wesley C" <WHC@fmhc-law.com>
To
cc
Subject RE: Berry Documents Produced RE: Philip Johnson

Dear Mr. Capozzola:

I presume that some materials could be produced today but you choose not to. This could be done by others at your firm while you are enroute. Additional materials could be produced later. The delay is in our view intended to prejudice Mr. Berry's ability to meet your counter motion.

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100
Fax. (808) 528-4997
Email tjh@loio.com

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-----Original Message-----

From: Damian Capozzola [mailto:dcapozzola@kirkland.com]
Sent: Monday, May 16, 2005 10:19 AM
To: Timothy J. Hogan; Eporter; Eric Liebeler; Erin Lee (E-mail); John K; Karen G; Leroy C; Lex Smith; Lyle; Lyle Hosoda (E-mail); Margery Bronster (E-mail); Rex; Rex; Roy T; Sheldon T; Victor L; Wesley C
Subject: Re: Berry Documents Produced RE: Philip Johnson

Mr. Hogan,

My plane is taking off soon. Call me on my cell if you want to talk tonight (213 448 2709). Otherwise we can discuss these issues tomorrow before the Y Hata dep, or after.

As I told you we are compiling the expert communications and you will have them Wednesday or Thursday.

Thank you for your attention to these matters.

--Damian

----- Original Message -----

From: "Timothy J. Hogan" [tjh@loio.com]
Sent: 05/16/2005 02:49 PM
To: "Damian Capozzola \(\E-mail\)" <dcapozzola@kirkland.com>; "Emily Reber Porter \(\E-mail\)" <eporter@goodsill.com>; "Eric Liebeler \(\E-mail\)" <eliebeler@kirkland.com>; "Erin Lee \(\E-mail\)" <eol@fmhc-law.com>; "John T. Komeiji" <JKomeiji@wik.com>; <kgabler@nchc.com>; "Leroy Colombe \(\E-mail\)" <lcolombe@ckdbw.com>; "Lex Smith \(\E-mail\)" <lex@gte.net>; "Lyle Hosoda \(\E-mail\)" <lsh@hosodalaw.com>; "Lyle Hosoda \(\E-mail\)" <lshosoda@hotmail.com>; "Margery Bronster \(\E-mail\)" <mbronster@bclaw.net>; "Rex Fujichaku" <fujichaku@hotmail.com>; "Rex Y. Fujichaku" <rfujichaku@bchlaw.net>; "Roy Tjioe \(\E-mail\)" <rtjioe@goodsill.com>; "Sheldon Toll \(\E-mail\)" <lawtoll@comcast.net>; "Victor Limongelli \(\E-mail\)" <victor.limongelli@guidancesoftware.com>; "Wesley H. Ching \(\E-mail\)" <WHC@fmhc-law.com>
Subject: Berry Documents Produced RE: Philip Johnson

Per Mr. Capozzola's request please find B0001 to B0052.

I am again requesting that Mr. Capozzola produce materials related to Mr. Walker so that we can address Mr. Capozzola's inquiry regarding the need to depose Mr. Walker on an expedited basis. It is my understanding from Mr. Capozzola's earlier correspondence that no software has been exposed to Mr. Walker other than Mr. Berry's disclosed works and the Dillon Queries. If he has been exposed to any software resident on the C&S systems or any materials held by Guidance or any of its agents or transferees ("Guidance") this must be produced immediately.

In addition to my request for correspondence with Mr. Walker evidencing the basis for Mr. Capozzola's statement that he has the grounds for a counter MSJ, please provide me immediately any software and/or other data that has exposed to Mr. Walker that has not been produced previously including but not limited to any C&S software and/or systems that he has seen and any materials that were held by Guidance.

Besides Mr. Berry's works and his list of suspect files, all that we are aware of is the Dillon Query disk and the list of Guidance files produced last year. If Mr. Capozzola wants to move ahead on his counter motion he should immediately produce all the requested materials without delay to make some attempt to avoid increasing any prejudice to Mr. Berry.

Tim Hogan

Copy of enclosure to Philip Johnson

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

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Olivia Samad/Los
Angeles/Kirkland-Ellis
05/18/2005 04:50 PM

To Neal San Diego/Los Angeles/Kirkland-Ellis@K&E
cc
bcc
Subject Berry - for the files

R. Olivia Samad | Kirkland & Ellis LLP
777 S. FIGUEROA STREET • 35TH FLOOR | LOS ANGELES, CA 90017 | WWW.KIRKLAND.COM
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----- Forwarded by Olivia Samad/Los Angeles/Kirkland-Ellis on 05/18/2005 04:50 PM -----

Damian Capozzola/Los
Angeles/Kirkland-Ellis
05/18/2005 04:06 PM

To tjh@lolo.com
cc ael@ksglaw.com, "Eric Liebeler" <eliebeler@kirkland.com>, "Emily Reber Porter \E-mail<>" <eporter@goodsill.com>, "Rex Fujichaku" <fujichaku@hotmail.com>, "John T. Komeiji" <JKomeiji@wik.com>, "Julia Morgan" <jmm@fmhc-law.com>, "kgabler" <kgabler@nchc.com>, "Sheldon Toll \E-mail<>" <lawtoll@comcast.net>, "Leroy Colombe \E-mail<>" <lcolombe@ckdbw.com>, "Lex Smith" <lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle Hosoda" <lshosoda@hotmail.com>, "Margery Bronster \E-mail<>" <mbronster@bchlaw.net>, Olivia Samad/Los Angeles/Kirkland-Ellis@K&E, "Rex Y. Fujichaku" <rfujichaku@bchlaw.net>, rpbm@Hosodalaw.Com, "Roy Tjoe \E-mail<>" <rtjoe@goodsill.com>, "Timothy J. Hogan" <tjh@lolo.com>, "Victor Limongelli \E-mail<>" <victor.limongelli@guidancesoftware.com>, "Wesley H. Ching \E-mail<>" <WHC@fmhc-law.com>, Damian Capozzola/Los Angeles/Kirkland-Ellis@K&E
Subject PCT-B MW 02239-02490

Mr. Hogan,

This will document that this afternoon I handed you the above-referenced documents. Thank you for your attention to these matters.

--Damian Capozzola

----- Forwarded by Olivia Samad/Los Angeles/Kirkland-Ellis on 05/18/2005 04:50 PM -----

Damian Capozzola/Los
Angeles/Kirkland-Ellis
05/18/2005 04:39 PM

To Damian Capozzola/Los Angeles/Kirkland-Ellis@K&E
cc ael@ksglaw.com, "Eric Liebeler" <eliebeler@kirkland.com>, "Emily Reber Porter \E-mail<>" <eporter@goodsill.com>, "Rex Fujichaku" <fujichaku@hotmail.com>, "John T. Komeiji" <JKomeiji@wik.com>, "Julia Morgan" <jmm@fmhc-law.com>, "kgabler" <kgabler@nchc.com>, "Sheldon Toll \E-mail<>" <lawtoll@comcast.net>, "Leroy Colombe \E-mail<>" <lcolombe@ckdbw.com>, "Lex Smith" <lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle Hosoda" <lshosoda@hotmail.com>, "Margery Bronster \E-mail<>" <mbronster@bchlaw.net>, Olivia Samad/Los Angeles/Kirkland-Ellis@K&E, "Rex Y. Fujichaku"

<rfujichaku@bchlaw.net>, rpbm@Hosodalaw.Com, "Roy
Tjoe \"(E-mail)" <rjioe@goodsill.com>, tjh@loio.com, "Victor
Limonelli \"(E-mail)"
<victor.limonelli@guidancesoftware.com>, "Wesley H.
Ching \"(E-mail)" <WHC@fmhc-law.com>
Subject Re: PCT-B MW 02239-02490

One clarification: PCT-B MW 02401 was inadvertently numbered and not produced. It is a 5/1/05 e-mail from Mr. Hogan to Rex Fujichaku and others.

Damian Capozzola/Los Angeles/Kirkland-Ellis

Damian Capozzola/Los
Angeles/Kirkland-Ellis
05/18/2005 04:06 PM

To tjh@loio.com
ael@ksglaw.com, "Eric Liebeler" <eliebeler@kirkland.com>,
"Emily Reber Porter \"(E-mail)" <eporter@goodsill.com>,
"Rex Fujichaku" <fujichaku@hotmail.com>, "John T. Komeiji"
<JKomeiji@wik.com>, "Julia Morgan"
<jmm@fmhc-law.com>, "kgabler" <kgabler@nchc.com>,
"Sheldon Toll \"(E-mail)" <lawtoll@comcast.net>, "Leroy
Colombe \"(E-mail)" <lcolombe@ckdbw.com>, "Lex Smith"
<lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle
cc Hosoda" <lshosoda@hotmail.com>, "Margery Bronster
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<rfujichaku@bchlaw.net>, rpbm@Hosodalaw.Com, "Roy
Tjoe \"(E-mail)" <rjioe@goodsill.com>, "Timothy J. Hogan"
<tjh@loio.com>, "Victor Limongelli \"(E-mail)"
<victor.limonelli@guidancesoftware.com>, "Wesley H.
Ching \"(E-mail)" <WHC@fmhc-law.com>, Damian
Capozzola/Los Angeles/Kirkland-Ellis@K&E
Subject PCT-B MW 02239-02490

Mr. Hogan,

This will document that this afternoon I handed you the above-referenced documents. Thank you for your attention to these matters.

--Damian Capozzola

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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Los Angeles, California 90017

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June 9, 2005

VIA FEDERAL EXPRESS

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

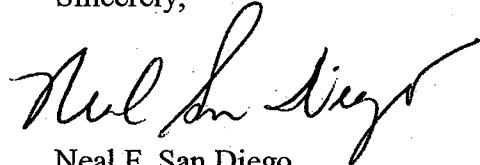
Re: Wayne Berry v. Post-Confirmation Trust

Dear Mr. Hogan:

Enclosed herewith, please see documents for production with bates number PCT-B MW 02491 through PCT-B MW 02762.

Thank you for attention regarding this matter.

Sincerely,



Neal F. San Diego
Case Assistant

NFSD

Enclosures

cc: Damian Capozzola

From: Origin ID: (213)680-8344
Neal San Diego
Kirkland & Ellis, LLP
777 S. Figueroa Street, Suite 37

Los Angeles, CA 90017



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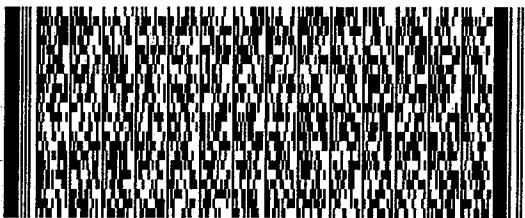


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